

**BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**BELLSOUTH TELECOMMUNICATIONS, INC.
D/B/A AT&T SOUTHEAST D/B/A AT&T SOUTH
CAROLINA**

DOCKET NO. 2010-19-C

VS.

IMAGE ACCESS, INC. D/B/A NEWPHONE

**MOTION FOR LEAVE TO FILE
SECOND AMENDED DEFENSES, ANSWER AND COUNTER-CLAIM
OF IMAGE ACCESS, INC. d/b/a NEWPHONE**

Image Access, Inc. d/b/a NewPhone (“NewPhone”) respectfully requests leave to file its Second Amended Defenses, Answer and Counter-Claim. In support, NewPhone states as follows:

1. The Second Amended Defenses, Answer and Counter-Claim of NewPhone is being filed for the purpose of supplementing, amending and restating Paragraph 12 of its Defenses, and supplementing, amending and restating its Counter-Claim in its entirety.
2. As contemplated by the Parties’ Joint Motion on Procedural Issues filed May 20, 2010, which was granted pursuant to Commission Hearing Officer Directive dated August 20, 2010, a consolidated proceeding has been convened for the limited purpose of addressing certain common issues among this proceeding and other AT&T proceedings against similarly situated resellers (the “Consolidated Phase”). Hearing on the Consolidated Phase was held on December 16, 2010. This filing is being made by NewPhone in the non-Consolidated Phase of this proceeding, which is currently being held in abeyance pursuant to Commission Hearing Officer Directive dated August 20, 2010, and will not cause delay or prejudice in the above-captioned docket.

3. Allowing NewPhone to supplement and clarify its Defenses, Answer and Counter-Claim at this stage does not prejudice any party to this proceeding or the Consolidated Phase because the non-Consolidated Phase of this proceeding is currently being held in abeyance, no procedural schedule has been established in the non-Consolidated Phase of this proceeding, none of the dates established in the procedural schedule for the Consolidated Phase will be affected by this filing, and the filing of this amended pleading neither expands nor contracts the issues before the Commission in the Consolidated Phase.

4. Counsel for NewPhone has contacted counsel for AT&T and advised of this filing. While AT&T reserves its rights to respond to the allegations in the amended pleading, AT&T does not object to the filing of the amended pleading. Accordingly, NewPhone respectfully requests leave to file its amended pleading.

WHEREFORE, NewPhone respectfully requests that this motion be granted, permitting it to file its Second Amended Defenses, Answer and Counter-Claim of Image Access, Inc. d/b/a NewPhone, which is submitted herewith.

[signature page to follow]

Respectfully submitted this 31st day of March, 2011.

s/ John J. Pringle, Jr.

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COUNSEL FOR IMAGE ACCESS, INC. d/b/a
NEWPHONE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this date been served via U.S. Mail, postage prepaid, or electronic mail to all parties listed on the Official Service List.

This 31st day of March, 2011.

s/ John J. Pringle, Jr.